

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-232-C – ORDER NO. 2005-438
AUGUST 18, 2005

IN RE: Application of Quality Telephone, Inc. for a)	ORDER DENYING
Certificate of Public Convenience and)	APPLICANT'S REQUEST
Necessity to Provide Local Exchange)	FOR CONFIDENTIAL
Services, Exchange Access Services,)	TREATMENT OF ITS
Interexchange Telecommunications Services)	FINANCIAL
and for Flexible Regulation of its Local)	STATEMENTS
Exchange Services.)	

This Order is issued to deny the request of Quality Telephone, Inc. ("Quality" or the "Applicant") that materials provided to the Public Service Commission of South Carolina ("Commission") in support of the above captioned application be treated as confidential. Quality claims that this information, contained in Exhibit C to the application, is confidential and proprietary information. Quality claims that due to the highly competitive nature of the telecommunications marketplace that this material is proprietary and therefore requests confidential treatment.

A review of the materials in question establishes that they are similar to that which are filed by all other applicants to this Commission for similar licenses in South Carolina. This Commission has consistently held that such information is both necessary to support such applications and must be available to the public to establish the applicant's qualification for licensing in this State. We find that the Applicant has stated insufficient grounds or reasons to treat their financial statements any differently from the

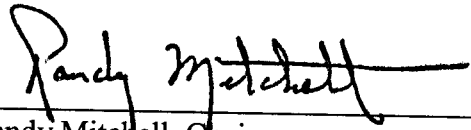
multitude of other such applicants and, further, find that it is in the public interest to make such information available to the general public.

The only potential exemption for the confidential treatment requested by the Applicant is that contained in South Carolina Code Ann. Section 30-4-40(a)(1). That statute provides that matters to be exempt from the South Carolina Freedom of Information Act (“FOIA”) may include: “(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation.” We find that the information which Quality seeks protection of as proprietary fails to fall within this definition of materials exempted from FOIA.

The Commission therefore denies the Quality’s request. The Commission further Orders that the Applicant notify this Commission within ten (10) days of this Order if it desires the Commission to continue processing this application. By requesting such a continuation, the Applicant shall specifically allow the Commission to make the financial information supporting the application a part of the public record in this matter. If the Applicant does not inform this Commission of its desire to continue processing this request within ten (10) days of its receipt of this Order, the Commission shall consider the application to be abandoned.

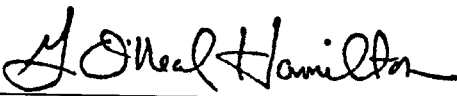
This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Randy Mitchell, Chairman

ATTEST:



G. O'Neal Hamilton, Vice Chairman

(SEAL)